

OGC 79-08891
1 October 1979

MEMORANDUM FOR:

D/DCI/CT
D/DCI/RM
Attn: [REDACTED]
C/PCS/PGL/DDO
Attn: [REDACTED]
AI/DDA
Attn: [REDACTED]
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Inspector General
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A/DCI/PA
Attn: [REDACTED]
Office of Legislative Counsel
Attn: [REDACTED]

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FROM:

[REDACTED] Special Assistant
to the General Counsel for Intelligence
Community Affairs

SUBJECT:

Revised Draft of Title IV

Attached for your information and review is a revised draft of Title IV dated 21 September 1979. Areas of disagreement with the SSCI staff are identified in the transmittal letter.

Attachment

STAT

26 September 1979

Keith Raffel, Esq.
Select Committee on Intelligence
United States Senate
Washington, D.C. 20510

Dear Keith:

Enclosed herewith is a new draft of Title IV based on our discussions over the past two weeks. Those issues on which we still disagree concern the following provisions and are further identified by underlined language in the text: 401(4); 414(b)(4), (b)(6), (b)(9), (b)(10), (b)(11); 421(d); 422(c); 423(f); and 431(c).

After you have reviewed our draft, let's get together to discuss the remaining differences.

Sincerely,

[Redacted Signature]

Special Assistant to
the General Counsel
for Intelligence
Community Affairs

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Enclosure

21 September 1979

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21 September 1979

TITLE IV -- CENTRAL INTELLIGENCE AGENCY

PART A

PURPOSES

STATEMENT OF PURPOSES

Sec. 401. It is the purpose of this title --

(1) to clarify the statutory authorities, functions, and responsibilities of the Central Intelligence Agency;

(2) to authorize the Central Intelligence Agency to perform intelligence activities that are necessary for the conduct of the foreign relations and the protection of the national security of the United States;

(3) to ensure that the activities of the Central Intelligence Agency are properly and effectively directed, regulated, coordinated, and administered; and

(4) to ensure that the activities of the Central Intelligence Agency are conducted in a manner consistent with the Constitution and laws of the United States.

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PART B

ESTABLISHMENT OF AGENCY; DIRECTOR; DEPUTY DIRECTOR;
GENERAL COUNSEL; INSPECTOR GENERAL; FUNCTIONS

ESTABLISHMENT OF CENTRAL INTELLIGENCE AGENCY

Sec. 411. There is established in the Executive branch of the Government an independent establishment to be known as the Central Intelligence Agency (hereinafter in this title referred to as "the Agency"), which shall perform its functions under the direction of the National Security Council and subject to intelligence plans, objectives, and requirements established by the Director of National Intelligence.

DUTIES OF DIRECTOR AND DEPUTY DIRECTOR

Sec 412. (a) There shall be at the head of the Agency a Director of the Central Intelligence Agency (hereinafter in this title referred to as the "Director of the Agency") who shall be appointed by the President with the advice and consent of the Senate. The Director of National Intelligence, or, if authorized by the President in accordance with this Act, the Deputy Director of National Intelligence or an Assistant Director of National Intelligence may serve as the Director of the Agency, provided that the designation of such person as Director shall be subject to advice and consent of the Senate. [Note: There should be an addition to section 702(b) of the Act, amending 5 U.S.C. 5313 to include the D/CIA at Level II of the Executive Pay Schedule]

(b) There shall be a Deputy Director of the Central Intelligence Agency (hereinafter in this title referred to as the "Deputy Director") who shall be appointed by the President, with the advice and consent of the Senate, and who shall assist in carrying out the functions of the Director of the Agency and who shall exercise all the duties of the Director of the Agency in the absence of the Director of the Agency. [Note: There should be an addition to section 702(c) of the Act, amending 5 U.S.C. 5314 to include the DD/CIA at Level III of the Executive Pay Schedule]

(c) At no time shall the offices of Director of the Agency and Deputy Director be occupied simultaneously by commissioned officers of the Armed Forces, whether in an active or retired status.

(d)(1) If a commissioned officer of the Armed Forces is appointed as Director of the Agency or Deputy Director, then--

(A) in the performance of the duties of Director of the Agency or Deputy Director, as the case may be, the officer shall be subject to no supervision, control, restriction, or prohibition (military or otherwise) other than would be applicable if that officer were a civilian in no way connected with the Department of Defense, the military departments, or the Armed Forces of the United States or any component thereof; and

(B) that officer shall not possess or exercise any supervision, control, powers, or functions (other than those authorized to that officer as Director of the Agency or Deputy Director) with respect to the Department of Defense, the military departments, or the Armed Forces of the United States or any component thereof, or with respect to any of the personnel (military or civilian) of any of the foregoing.

(2) Except as provided in this section, the appointment to the office of Director of the Agency or Deputy Director of a commissioned officer of the Armed Forces, and acceptance of and service in such an office by that officer, shall in no way affect any status, office, rank, or grade that officer may occupy or hold in the armed forces, or any emolument, perquisite,

right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade. A commissioned officer shall, while serving in the office of Director of the Agency or Deputy Director, continue to hold rank and grade not lower than that in which that officer was serving at the time of that officer's appointment as Director of the Agency or Deputy Director.

(e) It shall be the duty of the Director of the Agency to--

(1) ensure that the activities of the Agency are conducted in accordance with the provisions of this Act and with the Constitution and laws of the United States;

(2) ensure that the activities of the Agency are properly and efficiently directed, regulated, coordinated, and administered;

(3) perform as Director of the Agency the duties assigned elsewhere in this Act to the head of each entity of the intelligence community;

(4) protect intelligence sources and methods from unauthorized disclosure; and

(5) specify by regulation the order in which senior officials of the Agency may exercise all the duties of the Deputy Director during any temporary absence, disability, or vacancy in that office, provided that such officials are hereby authorized to exercise such duties for a period not to exceed 180 days.

GENERAL COUNSEL AND INSPECTOR GENERAL

Sec. 413. (a) There shall be a General Counsel appointed by the President, by and with the advice and consent of the Senate, who shall serve as the principal legal advisor to the Director of National Intelligence and the Director of the Agency and shall have the responsibility and authority to--

(1) review Agency activities and activities of the Office of the Director of National Intelligence to determine whether such activities are in conformity with the Constitution and laws of the United States, Executive orders, Presidential directives and memoranda, and the rules, regulations, and policies of the Agency;

(2) review all rules and regulations of the Agency and of the Office of the Director of National Intelligence, including but not limited to any rule or regulation proposed to implement the provisions of this Act, to ensure that such rules and regulations are in conformity with the Constitution and laws of the United States, Executive orders, and Presidential directives and memoranda;

(3) perform the same duties with respect to the Agency and the Office of the Director of National Intelligence as the general counsels of all entities of the Intelligence Community are required to perform by other provisions of this Act; and

(4) perform such additional duties as the Director of National Intelligence or the Director of the Agency may prescribe.

(b) In the temporary absence of the General Counsel, the Deputy General Counsel is authorized to exercise all functions of the General Counsel;

(c) There shall be an Inspector General of the Agency appointed by the Director of the Agency. The Inspector General shall have the responsibility and authority to--

(1) investigate all activities of the Agency and of the Office of the Director of National Intelligence to determine in what respects authorized functions may more effectively be performed and to determine the facts and circumstances of any alleged wrongdoing;

(2) advise the Director of National Intelligence, and the Director of the Agency, of findings regarding activities of the Office of the Director of National Intelligence or of the Agency, respectively.

(3) report any indications of possible violations of federal law to the General Counsel;

(4) perform such other investigations as the Director of National Intelligence or the Director of the Agency deem necessary and appropriate, consistent with the provisions of this Act;

(5) perform the same duties with respect to the Agency and the Office of the Director of National Intelligence as the inspectors general of all entities of the Intelligence Community are required to perform by other provisions of this Act; and

(6) perform such other duties as the Director of National Intelligence or the Director of the Agency may prescribe.

FUNCTIONS

Sec. 414. (a) All activities, duties, and responsibilities of the Agency shall be performed in accordance with this Act.

(b) The Agency shall--

(1) conduct foreign intelligence activities including collection by clandestine means;

(2) conduct counterintelligence and counterterrorism intelligence activities including activities by clandestine means;

(3) conduct special activities;

(4) process and analyze national intelligence collected by any entity of the Intelligence Community as necessary to fulfill its responsibilities under this Act;

(5) produce, publish, and disseminate intelligence to meet the needs of the President the National Security Council, the Director of National Intelligence, and other officials and departments and agencies, including national intelligence estimates and similar analyses coordinated with other entities of the Intelligence Community;

(6) subject to the provision of Title II, collect information, by other than clandestine means, when it is relevant to any ~~an~~ authorized Agency function;

(7) develop, conduct, and provide support for technical and other programs, including signals intelligence activities, to collect intelligence outside the United States;

(8) act as the agent of the Director of National Intelligence in the coordination of counterintelligence activities, counterterrorism intelligence activities, and clandestine collection of foreign intelligence, conducted outside the United States by any other entity of the Intelligence Community;

(9) conduct liaison with and provide assistance to foreign governmental agencies under the direction of the Director of National Intelligence and act as the agent of the Director of National Intelligence in the coordination of such liaison by any other entity of the Intelligence Community;

(10) conduct for the Intelligence Community services of common concern, including monitoring of foreign public radio and television broadcasts and foreign press services, collection of intelligence from cooperating sources in the United States, and acquisition and translation of foreign publications, and photographic interpretation;

(11) coordinate the overt collection of foreign intelligence by entities of the Intelligence Community from witting and voluntary sources within the United States;

(12) conduct or contract for research, development, and procurement of systems and devices relating to the Agency's authorized functions;

(13) provide legal, legislative, security, inspection, communications, and audit services and other support to the Office of the Director of National Intelligence.

(c) Within the United States the Agency may collect foreign intelligence by clandestine means only in coordination with the Federal Bureau of Investigation and may not direct such collection against unconsenting United States persons.

(d) Within the United States the Agency may conduct counterintelligence and counterterrorism intelligence activities by clandestine means only with the approval of the Director of the Federal Bureau of Investigation or a designee, made or confirmed in writing, and shall keep the Federal Bureau of Investigation fully and currently informed of any such activities.

PART C

AUTHORITIES OF THE AGENCY; AUTHORIZATION FOR APPROPRIATIONS

GENERAL AUTHORITIES OF THE AGENCY

Sec. 421. (a) In carrying out its functions under this Act, the Agency is authorized to--

(1) exchange funds; and transfer to and receive from other departments and agencies such sums of money as may be approved by the Director of the Agency for the purpose of carrying out authorized functions, and sums so transferred to or from the Agency may be expended without regard to any limitation on appropriations from which transferred;

(2) reimburse or be reimbursed by other departments and agencies in connection with the detail or assignment of personnel to or from the Agency;

(3) rent any premises within or outside the United States as appropriate to carry out any authorized function of the Agency ; lease property, supplies, services, equipment, buildings or facilities; acquire, construct, or alter buildings and facilities, or contract for such purposes, and repair, operate, and maintain buildings, utilities, facilities, and appurtenances;

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(4) maintain and operate full-scale printing facilities for the production of intelligence and intelligence-related materials and lease or purchase and operate computer and communications equipment as appropriate to carry out authorized functions;

(5) conduct background investigations in accordance with Title II, to determine the suitability and trustworthiness of applicants for employment or contractor status or access to Agency information or facilities, employees, contractors and their employees, cooperating sources of information or assistance, consultants, applicants for employment with and employees of proprietaries, and persons similarly associated with the Agency or the Office of the Director of National Intelligence;

(6) acquire, establish, maintain, and operate secure communications systems in support of Agency operations and in support of the Office of the Director of National Intelligence, and, when authorized by the Director of the Agency, in support of any other department or agency;

(7) in addition to the authority provided under 31 U.S.C. 686, provide to any department or agency such services, supplies,

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or equipment as the Agency may be in a position to render, supply, or obtain by contract, and place orders with departments or agencies that may be in a position to render, supply, or obtain services, supplies, or equipment by contract or otherwise;

(8) protect Agency personnel, installations, equipment and information by lawful security procedures, including, but not limited to, inspections of persons and items entering or leaving facilities and grounds owned or utilized by the Agency;

(9) provide transportation, in accordance with regulations approved by the Director of the Agency, for officers, employees and contractors of the Agency and the Office of the Director of National Intelligence, or their dependents, when other means of transportation are unsafe or inadequate;

(10) settle and pay claims of civilian and military personnel, as prescribed in Agency regulations consistent with the terms and conditions by which claims are settled and paid under the Military Personnel and Civilian Employees' Claims Act of 1964, as amended (31 U.S.C. 240-243);

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(11) pay, in accordance with regulations approved by the Director, expenses of travel in connection with, and expenses incident to membership in, or attendance at meetings of professional, technical, scientific, and other similar organizations and professional associations when such attendance or membership would be of benefit in the conduct of the work of the Agency; and

(12) provide or pay expenses of training to support authorized Agency functions, and, as appropriate, provide training for personnel of other departments and agencies.

(13) perform inspection, audit, public affairs, legal, legislative, and other administrative functions; and

(14) perform such additional functions as are otherwise authorized by this Act to be performed by each entity of the Intelligence Community.

(b) Any department or agency may transfer to or receive from the Agency any sum of money in accordance with subsection (a)(1)-(2) of this section.

(c) Any department or agency is authorized to assign or detail to the Agency any officer or employee of such department or agency to assist the Agency in carrying out any authorized function and the Agency may similarly assign or detail personnel to any other department or agency.

(d) No provision of law shall be construed to require the Director of the Agency or any other officer or employee of the United States to disclose information concerning the organization, functions, or activities of the Agency, including the name, official title, salary, or affiliation with the Agency of any person employed by, or otherwise associated with the Agency, or the number of persons employed by the Agency, or any aspect of the Agency budget. In addition, the Agency shall also be exempted from the provisions of any law which require the publication or disclosure, or the search or review in connection therewith, of information in files specifically designated to be concerned with: The design, function, deployment, exploitation or utilization of scientific or technical systems for the collection of intelligence; Special activities and intelligence operations; investigations conducted to determine the suitability of potential intelligence sources; intelligence and security liaison arrangements or information exchanges with foreign governments or their intelligence or security services; except to the extent that disclosure is required under Sections 552 and 552a of Title 5 of information concerning American citizens and permanent resident aliens requested by such persons on themselves.

(e) The Agency is authorized to establish, administer, and maintain methods to conceal and protect the relationship between the Agency and any of its officers, employees, sources, and activities, and for personnel and activities of the Office of the Director of National Intelligence, and for defectors from foreign countries.

(f) The Agency may continue to use and may modify with the approval of the President the seal of office used by the Central Intelligence Agency prior to the effective date of this title and judicial notice shall be taken of such seal.

(g) The Director of the Agency may employ or contract for security officers to police and protect the security of Agency personnel, installations and grounds owned or utilized by the Agency or the Office of the Director of National Intelligence, and such security officers shall have the same powers as sheriffs and constables for the protection of persons and property, to prevent breaches of the peace, to suppress affrays or unlawful assemblies, and to enforce any rule or regulation the Director of the Agency may promulgate for the protection of such installations and grounds. The jurisdiction and police powers of such security officers shall not, however, extend to the service of civil process.

(h) Under such regulations as the Director of the Agency shall prescribe, Agency personnel may carry and use firearms while in the discharge of their official duties: Provided, that within the United States, such official duties shall include

only the protection of (1) information concerning intelligence sources and methods and classified documents and material; (2) facilities, property, monies and other valuable assets owned or utilized by the Agency or the Office of the Director of National Intelligence; (3) personnel of the Agency or the Office of the Director of National Intelligence as may be designated by the Director of the Agency; and (4) defectors and foreign persons visiting the United States under Agency auspices; and Provided further, That such duties shall include the transportation and utilization of firearms for authorized training.

(i) (1) The Agency may employ, manage and separate personnel or contract for personal services as it deems advisable, and may fix the compensation of such personnel but at rates not in excess of the maximum rates authorized under any other provision of law;

(2) The Director of the Agency may terminate the employment of any officer or employee of the Central Intelligence Agency, or the access of any individual, including contractors of the Agency or any employee of any such contractor, to information relating to intelligence activities whenever the Director of the Agency considers such termination necessary or advisable in the interests of the national security of the United States.

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(3) Any Agency officer or employee, including any officer or employee who has been separated under paragraph (1), or whose employment has been terminated under paragraph (2), may seek or accept employment in the competitive service of the Government if declared eligible for such employment by the Office of Personnel Management; and that Office shall consider such officer or employee for position in the competitive civil service in the same manner as if transferring between two positions in the competitive service, but only if such Agency officer or employee has served with the Agency or the Office of the Director of National Intelligence for a total of at least one year continuously immediately preceding separation or termination.

(j) The Agency shall have no police, subpoena, or law enforcement powers, nor perform any internal security or criminal investigation functions, except to the extent expressly authorized by this Act.

(k) Except as otherwise provided in this Act, the provisions of subsections (a)-(e) and (i) of this section shall be available notwithstanding any other provision of law.

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PROCUREMENT

Sec 422. (a) The Agency is authorized to procure, use, and dispose of such real and personal property, supplies, services, equipment and facilities as may be necessary to carry out authorized functions.

(b) The provisions of chapter 137, relating to the procurement of property and services, and chapter 139, relating to the procurement of research and development services, of title 10, United States Code, as amended, shall apply to the procurement of property and research and development services by the Agency under this title in the same manner and to the same extent such chapters apply to the procurement of property, services, and research and development services by the agencies named in section 2303(a) of chapter 137 of title 10, except that the Director of the Agency may specify by regulation when any or all of the provisions of chapters 137 and 139 of title 10 may be waived for the effective performance of authorized functions.

(c) The Agency is further authorized, without regard to any other provision of law, to use and dispose of property, goods, or services, in such a manner that the role of the Agency is not apparent or acknowledged, when concealment of Agency involvement is appropriate for the effective performance of authorized functions.

(d) In accordance with regulations promulgated by the Director of the Agency, the Agency is authorized to enter into contracts and amendments of contracts, and to make advance payments on contracts, without regard to any other provision of law, whenever deemed necessary for the effective performance of authorized functions.

(e) The Agency is authorized to dispose of property and use the proceeds therefrom to purchase new property without regard to any other provision of law whenever the Director of the Agency deems such action necessary for the effective performance of authorized functions.

PROPRIETARIES

Sec. 423. (a) The Agency is authorized to establish and operate proprietaries in support of Agency operations and, with the approval of the Director of National Intelligence, in support of other entities of the Intelligence Community. In addition, any such proprietaries may be operated on a commercial basis to the extent necessary to provide effective cover.

(b) Appropriated funds and funds generated by an Agency proprietary or otherwise received may be deposited in banks or other financial institutions and expended as necessary to accomplish operational purposes except that funds in excess of amounts necessary for such purposes shall be deposited into miscellaneous receipts of the Treasury.

(c) Proceeds from the liquidation, sale, or other disposition of any Agency proprietary may be expended to establish and operate other proprietaries in furtherance of the same or closely related operational purposes. Any such proceeds not so expended shall be deposited into miscellaneous receipts of the Treasury, except for amounts deemed necessary or required by law to be retained for the purpose of satisfying claims or obligations.

(d) Whenever any Agency proprietary, or operationally related group of proprietaries, whose net value exceeds \$150,000 in 1979 dollars is to be liquidated, sold, or otherwise disposed of, the Agency shall, as much in advance of the liquidation, sale, or other disposition as practicable, report the circumstances of the intended liquidation, sale, or other disposition to the Permanent Select Committee on Intelligence of the House and the Select Committee on Intelligence of the Senate.

(e) Employees of such proprietaries shall not be considered to be employees of the United States or entitled to benefits of any kind accruing to or vesting in employees of the United States unless specifically designated to be so considered in accordance with regulations promulgated by the Director of the Agency.

(f) As used in this section, the term "proprietary" means a sole proprietorship, partnership, corporation, or other entity owned or controlled by the Agency but whose relationship with the Agency is not officially acknowledged.

(g) The authority contained in this section shall, except as otherwise provided in this Act, be available to the Agency notwithstanding any other provision of law.

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RELATIONSHIPS WITH OTHER ENTITIES

Sec. 424. In addition to those activities of the Agency that relate to other departments and agencies and that are authorized in other provisions of this Act, the Agency is further authorized--

(1) to request other entities of the intelligence community to undertake authorized intelligence activities.

(2) to receive assistance from federal, state and local law enforcement agencies in the conduct of authorized functions.

(3) to provide and receive technical guidance, training, and equipment, and, under regulations established by the Director of the Agency, the services of expert personnel, to or from any other federal agency or foreign government, and, when not readily available from another federal agency, to or from state or local governments;

(4) to provide and receive technical information or assistance to or from the Passport Office of the Department of State and the Immigration and Naturalization Service of the Department of Justice to assist in carrying out authorized functions;

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(5) when the Internal Revenue Service is performing an audit of an Agency proprietary or any other organization or individual whose relationship with the Agency is concealed or protected, to notify the Internal Revenue Service of such relationship in order that it not be disclosed publicly in connection with the audit.

ADMISSION OF ESSENTIAL ALIENS

Sec. 425(a). Whenever the Director of the Agency, the Attorney General, and the Commissioner of Immigration and Naturalization determine that the entry of particular aliens into the United States for permanent residence is in the interest of national security or essential to intelligence activities, such aliens and their immediate families shall be given entry into the United States for permanent residence without regard to their inadmissibility under, or their failure to comply with, any immigration law of the United States or any other law or regulation, but in no case may the number of aliens and members of their immediate families who enter the United States under the authority of this section exceed one hundred in any one fiscal year. The Agency is authorized to process, debrief, and provide relocation assistance to such individuals, as necessary and appropriate under regulations established by the Director of the Agency.

(b) When extraordinary circumstances indicate that a foreign person associated with the Agency should enter or leave the United States under other than that person's true identity, the Agency is authorized to notify the Immigration and Naturalization Service of these circumstances and request a waiver of otherwise applicable rules and procedures.

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AUTHORIZATION FOR APPROPRIATIONS AND EXPENDITURES

Sec. 426. (a) Notwithstanding any other provision of law, sums available to the Agency by appropriation or otherwise received may be expended to carry out the authorized functions of the Agency. Funds appropriated to the Agency may not be expended unless authorized by legislation enacted during the same or one of the two immediately preceding fiscal years, except that this limitation shall not apply to funds appropriated by any continuing resolution.

(b) Whenever the Director of the Agency determines such action to be necessary in the interest of the national security, the expenditure of funds appropriated to or otherwise received by the Agency shall be accounted for solely on the certificate of the Director of the Agency and every such certificate shall be deemed a sufficient voucher for the amount certified therein.

(c) There is established and the Director of the Agency is authorized to establish and maintain a fund to be known as the Contingency Reserve Fund (hereinafter in this section referred to as the "Reserve Fund") and to credit to the Reserve Fund monies specifically appropriated to the Central Intelligence Agency for such fund and unused balances of funds previously withdrawn from the Reserve Fund.

expend monies from the Reserve Fund for the payment of expenses incurred in connection with any authorized intelligence activity if--

(1) the withdrawal of funds from the Reserve Fund has been approved by the Office of Management and Budget;

(2) the Committee on Appropriations of the House of Representatives, the Committee on Appropriations of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate have been notified of the purpose of such withdrawal at least 72 hours in advance of the withdrawal; except that in extraordinary circumstances the Director of the Agency may authorize the withdrawal of funds from the reserve Fund without prior notification to the appropriate committees of the Congress if the Director of the Agency notifies such committees within 48 hours after initiation of the withdrawal, describes the activity for which such funds have been or are to be expended, certifies to such committees that prior notification would have resulted in a delay which would have been harmful to the United States, and discloses to such committees the reasons why the delay would have been harmful. The foregoing shall not be construed as requiring the approval of any committee of the Congress prior to the initiation of any such activity; and

(3) the monies from the Reserve Fund are used solely for the purpose of meeting requirements that were not anticipated at the time the President's budget was submitted to the Congress for the fiscal year in which the withdrawal is authorized, and the activities to be funded require protection from unauthorized disclosure.

(4) any activity funded from the Reserve Fund that continues after the end of the fiscal year in which it was funded by monies from the Reserve Fund shall be funded thereafter through the regular budgetary process at the earliest practicable date.

(e) Monies from the Reserve Fund may be expended only for the purpose for which the withdrawal was approved under this subsection and any amount approved for expenditure but not actually expended or to be expended for the purpose for which approved shall be returned to the Reserve Fund.

PART D

TRAVEL AND OTHER ALLOWANCES; RELATED EXPENSES;
RETIREMENT SYSTEM; AND DEATH GRATUITIES

Sec. 431. (a) As used in this section "employee" does not include, unless otherwise specifically provided in accordance with regulations issued by the Director of the Agency, any person working for the Agency under a contract or any person who, when initially employed, is a resident in or a citizen of the foreign country in which such person is to be assigned to duty.

(b) Under regulations issued by the Director of the Agency the Agency may pay--

(1) travel, transportation, medical, subsistence, and other allowances and benefits in a manner and under circumstances comparable to those provided under title IX of the Foreign Service Act of 1946 (22 U.S.C. 1131-1160);

(2) educational travel benefits for dependents in the same manner and under the same circumstances as such benefits are provided under 5 U.S.C. 5924 (4)(A) and (B) for dependents of employees of the Department of State;

(3) death gratuities in the same manner as such gratuities are provided under section 14 of the Act entitled "An Act to provide certain basic authority

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for the Department of State", approved 1 August 1956 (22 U.S.C. 2679a), to the extent that the Director of the Agency determines that death occurred in the course of operational activity or resulted from hostile or terrorist action; and

(c) Whenever any provision of law relating to expenses, allowances, benefits or death gratuities of Foreign Service employees or dependents is enacted after the date of enactment of this Act in a form other than as an amendment to one of the provisions referred to in subsection (b) and the Director of the Agency determines that it would be appropriate for the purpose of promoting the effective performance of authorized functions, the Director of the Agency may, by regulation, authorize payment, in whole or in part to Agency employees or dependents of such expenses, allowances, benefits and gratuities.

(d) Notwithstanding the provisions of subsections (b) and (c), and under regulations issued by the Director of the Agency, the Agency may pay expenses, allowances, benefits, and gratuities similar to those specifically authorized in those subsections in any case in which the Director of the Agency determines that such

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expenses, allowances, benefits or gratuities are necessary for the effective performance of authorized functions or that, for reasons of operational necessity or security, the means of paying expenses, allowances, benefits, and gratuities authorized in subsections (b) and (c), should not be utilized, and may pay special expenses, allowances, benefits, and gratuities when necessary to sustain particular Agency activities.

RETIREMENT SYSTEM

Sec. 432. The "Central Intelligence Agency" in Section 111(1) of the Central Intelligence Agency Retirement Act, and the "Director of Central Intelligence" in Section 112 of that Act, shall be deemed to refer to the "Central Intelligence Agency" and the "Director of the Agency" as established under this title. With the exception of the foregoing sentence, nothing in this Act shall affect the entitlement of Agency employees and former Agency employees to participate in the retirement system established by the Central Intelligence Agency Retirement Act or the retirement system established by chapter 83 of title 5, United States Code.

PART E

TRANSFER OF PERSONNEL, PROPERTY, AND FUNCTIONS;
STATUTES REPEALED; EFFECT OF SUBSEQUENT LAW

TRANSFER OF PERSONNEL, PROPERTY, AND FUNCTIONS

Sec. 441. (a) All positions, except those of the Director of Central Intelligence and the Deputy Director of Central Intelligence, established in and personnel employed by the Central Intelligence Agency on the day before the effective date of this title, and all obligations, contracts, properties, and records employed, held, or used by the Agency are transferred to the Agency.

(b) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, entitlements, and privileges which have become effective in the exercise of functions transferred under this title and which are in effect on the effective date of this title, shall continue in effect until modified, terminated, superseded, set aside, or repealed by the Director of the Agency or other properly designated Agency official, by any court of competent jurisdiction, or by operation of law.

(c) The provisions of this title shall not affect any proceedings pending before the Central Intelligence Agency as in effect prior to the effective date of this title.

(d) No suit, action, or other proceeding begun prior to the effective date of this title, shall abate by reason of enactment of this title.

(e) With respect to any function transferred by this title and exercised after the effective date of this title, reference in any other Federal law to any department, agency, office, or part thereof shall be deemed to refer to the department, agency, or office in which such function is vested pursuant to this title, and reference in any other Federal law to a provision of law replaced by similar provisions in this title shall be deemed to refer to the provisions in this title.

STATUTES REPEALED; EFFECT OF SUBSEQUENT LAW

Sec. 442. (a) No law enacted after the date of the enactment of this Act shall be held, considered or construed as amending, limiting, superseding or otherwise modifying any provision of this title unless such law does so by specifically and explicitly amending, limiting, or superseding such provision.

(b) Section 102 of the National Security Act of 1947 (50 U.S.C. 403) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a-403j) are repealed.

PART F

CRIMINAL PENALTIES

Sec. 443. (a) (1) Chapter 33 of Title 18, United States Code, is amended by adding at the end thereof a new section as follows:

"S. 716. Misuse of the name, initials, or seal of the
Central Intelligence Agency

"Any person who knowingly and without the express written permission of the Director of the Central Intelligence Agency uses the name 'Central Intelligence Agency', the initials 'CIA', the seal of the Central Intelligence Agency, or any colorable imitation of such name, initials, or seal in connection with any impersonation for other than authorized purposes or in connection with any commercial enterprise, including any merchandise, advertisement, book, circular, pamphlet, play, motion picture, broadcast, telecast, or other publication or production in a manner intended to convey the impression that such use is approved, endorsed, or authorized by the Central Intelligence Agency shall be fined not more than \$10,000 or imprisoned not more than six months, or both."

(2) The table of sections at the beginning of chapter 33 of such title is amended by adding at the end thereof a new item as follows:

"716. Misuse of the name, initials, or seal of the Central
Intelligence Agency."

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(b)(1) Title 18, United States Code, is amended by adding at the end thereof the following new chapter:

"Chapter 38. Unauthorized disclosure of information identifying certain individuals engaged or assisting in intelligence activities.

[Provided Separately]